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OFFICE OF PETITIONS

HOXIE & ASSOCIATES LLC  
75 MAIN STREET , SUITE 301  
MILLBURN NJ 07041

In re Application of :  
Van Eis, et al. : ON APPLICATION FOR  
Application No. 10/586,420 : PATENT TERM ADJUSTMENT  
Filed: July 19, 2006 :  
Atty Docket No. NOV-05-US :

This is in response to the "REQUEST FOR PATENT TERM ADJUSTMENT  
REDETERMINATION UNDER 37 CFR 1.705," filed September 28, 2009.  
Applicants request that the determination of patent term  
adjustment be increased from 281 days to at a minimum 316 days.

The request is **DISMISSED**.

Applicants are advised that § 1.705(b) provides the avenue  
before the Office for requesting reconsideration of the patent  
term adjustment indicated in the notice of allowance. See  
§ 1.702-1.705. Moreover, § 1.705(b) provides that:

An application for patent term adjustment under this  
section must be filed no later than the payment of the issue fee  
but may not be filed earlier than the date of mailing of the  
notice of allowance. An application for patent term adjustment  
under this section must be accompanied by:

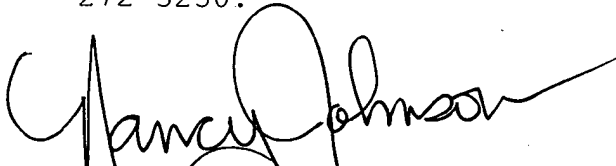
(1) The fee set forth in § 1.18(e) ...

The instant application for patent term adjustment was filed  
after the mailing of the notice of allowance and prior to  
payment of the issue fee. Thus, the application for patent term  
adjustment was timely filed. However, neither the fee under  
§ 1.18(e) nor a general authorization to charge any required  
fees, accompanied the application for patent term adjustment.  
Accordingly, the request is dismissed for failure to comply with  
the requirement of paragraph (b)(1) to submit the fee under

\$1.18(e). Applicants are not precluded from promptly paying the required fee for consideration of this application for patent term adjustment. Applicants should call the undersigned upon submission of such fee.

The issue and publication fees were paid on December 15, 2009. Therefore, the Office of Data Management will be advised of this decision and directed to go forward with processing of this application into a patent.

Telephone inquiries specific to this matter should be directed to Shirene Willis Brantley, Senior Petitions Attorney, at (571) 272-3230.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions